GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Elections - Bye-elections to 115-Atmakur Assembly Constituency - Scheduled to be held on 23.06.2022 (Thursday) – Measures to check "Paid News" during elections i.e., advertising in the garb of news in the Media and related matters – Constitution of State Level Media Certification and Monitoring Committee (MCMC) – Orders – Issued.

GENERAL ADMINISTRATION (ELECTIONS.A) DEPARTMENT

G.O. Rt. No.1085 **Dated: 09.06.2022**

Read the following:

1. From the Election Commission of India, New Delhi order No. 491/Paid News/2012/Media, dated. 27.08.2012.
2. From the Election Commission of India, New Delhi Letter No. 23/LET/ECI/FUNC/ ERD-ER/2018, dated 08.9.2018.
3. From the ECI, New Delhi Letter No. 491/Paid News/2018/Communication, dated. 13.9.2018.
4. From the ECI Letter No. 491/MCMC/2021/Communication, dated. 19.3.2021. (Reconstitution of state level MCMC)
5. T/o Memo No. 554/Elecs.A/A1/2021-4, dt. 27.5.2022 addressed to Collector & District Election Officer, SPS Nellore.
6. From the Admn. Officer, Press Information Bureau, GOI, New Delhi , Lr. F.No. 1/01/2020-H (Elections). Dt. 30.5.2022
7. From the Director (IIS) Lr. No. I&B's I.D.No.A-50013/84/2021- IIS/411, dt.3.6.2022 addressed to DD News, New Delhi & Copy to CEO)
8. From the Commr, I& PR, Vijayawada Lr. No 05394/MR/2021, Dt.3.6.2022

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ORDER:

In the references 1st to 4th read above, the Election Commission of India have communicated the revised guidelines on the measures to check "Paid News" during elections i.e., advertisements in the garb of news in Media and related matters and directed to constitute the district level Media Certification and Monitoring Committee (MCMC) in each district and also State Level Media Certification and Monitoring Committee (MCMC) during election period to take up the additional task of keeping a check on the cases of Paid News.

2. The District Election Officer, SPS Nellore has been requested to constitute the District Level Media Certification and Monitoring Committees (MCMC) in their District to check "Paid News" and to take up the task of keeping a check on the cases of Paid News for the forthcoming Bye-elections to 115- Atmakur Assembly Constituency, Andhra Pradesh vide reference 5th cited.

3. The District Level Media Certification and Monitoring Committees (MCMC) constituted in the district, during the period of elections will scrutinizes all newspapers (Print Media) and TV channels (Electronic Media) in the district in order to identify the political advertisements in the garb of news coverage. At the same time, they certify the advertisements of electronic media in respect of the said district. If the decision of the District MCMC is not acceptable to the candidate, he/she may appeal to the State Level MCMC within 48 hours of receipt of the decision, with information to the District Level MCMC. The State Level MCMC will examine all cases of Paid News on appeal and it may take up suo moto cases, in which it directs the concerned Returning Officer to issue notice to the candidate. The candidate may appeal against the decision of State Level MCMC to the Election Commission of India, New Delhi within 48 hours of receiving of order from the State Level MCMC. The decision of the Commission is final.

(P.T.O)

4. As per the instructions of the Commission issued at Para No.2.1 of the Order dated 27.8.2012, under reference 1st read above, and reconstitution of the State Level Media Certification and Monitoring Committee (MCMC) at reference 4th read above shall comprise of the following officers:

a. The Chief Electoral Officer - Chairman
b. ADG/Director level officer from PIB/BOC present in the state - Nodal officer for MCMC to be nominated by DG (Zone), I & B Ministry, Govt. of India
c. Any Observer appointed by the Election Commission of India
d. One expert to be co-opted by the Committee.
e. Officer of Indian Information Service (IIS), (at the level of US/ DS) posted in the State/ UT, representing a media Department of Government of India as separate from the expert at (c) above.
f. Independent citizen or journalist as nominated by PCI (if any)
g. Addl /Jt CEO in charge of Media (Member Secretary)
h. An intermediary expert/ social media expert (to be chosen by the CEO subject to the eligibility criteria)

5. Accordingly, in pursuance of the above instructions of the Commission, the State Level Media Certification and Monitoring Committee (MCMC) is hereby constituted to check "Paid News" in Media and related matters and to decide the appeal cases from District Level Committees on Certification of advertisement as per the Commission's Order dated 27.08.2012 or cases that the committee may take up suo moto, in which case, to direct the concerned Returning Officers to issue notices to the candidates in connection with the conduct of the forthcoming Bye-elections to 115- Atmakur Assembly Constituency, Andhra Pradesh, with the following Officers as members of the State Level MCMC constituted for the said purpose.

a. Sri M.K. Meena, I.A.S., Chief Electoral Officer ... Chairman
b. Sri T. Henry Raj, I.I.S, M&C Officer, PIB & ROB MoIB, GOI, Vijayawada. ... Nodal Officer
c. General Observer for 115- Atmakur AC .... Member
d. Smt. L. Swarna Latha , Addl. Director, I&PR Dept., Vijayawada .... Member
e. Sri P. Ratnakar, Deputy Director, DDK, Vijayawada ..... Member
f. Independent citizen or journalist as nominated by PCI (if any) ....
g. Sri. A. Venkateswara Rao, Dy. Chief Electoral Officer .... Member Secretary in charge of Media
h. Sri CV Krishna Reddy, Regional Information Engineer ... Member I& PR Dept

6. The Committee constituted above shall remain in force till further orders.

7. The above orders are available on Website www.ceoandhra.nic.in

(By ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

MUKESH KUMAR MEENA
CHIEF ELECTORAL OFFICER &
Ex-OFFICIO SECRETARY TO GOVERNMENT

To
The Members of the Committee concerned.
The Collector & District Election Officer, SPSR Nellore district.

(Contd.....)

All the Political Parties in the State. (State & National)
All the Television Channels / Cable Network / Private F.M. Radios.
(though the Commissioner, I & PR, AP, Vijayawada.

Copy to:

The Commissioner I&PR, Vijayawada.
The Deputy Director, Doordarshan Kendra, Vijayawada.
The Admn. Officer, Press Information Bureau, GOI, New Delhi
Room No. 203, 2nd floor, CGO Towers, Kavadiguda, Hyderabad-500 080
The Director (IIS), Ministry of Information & Broadcasting, Room No. 747, 'A" wing, Sasthri Bhavan, New Delhi -110001
All Officers and all Sections in the office of CEO.
Sri Pawan Diwan, Under Secretary, ECI, Nirvachan Sadan, Ashok Road, New Delhi.
The Project Manager, SLA O/o. CEO.
SC / SF.

// FORWARDED :: BY ORDER //

Nagamani

SECTION OFFICER

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 491/Paid News/2012/Media Dated: 27th August, 2012

To

Chief Electoral Officer of all the States/UTs

Subject:- **Measures to check 'Paid News' during elections i.e. advertisement in garb of news in Media and related matters – revised guidelines – regarding.**

Sir/Madam,

I am directed to invite your attention to the subject cited and to state that the Commission has issued order No. 509/75/2004/JS-1 dated 15th April, 2004 consequent upon order of the Hon'ble Supreme Court of India in SLP © No. 6679/2004. (Ministry of Information and Broadcasting vs. M/s Gemini TV Pvt. Ltd and Others) requiring the constitution of a committee for previewing, scrutinizing and verifying all advertisements by individual contesting candidates or political parties, before it is inserted in the electronic media. The Commission issued further guidelines vide its letters of even no. dated 8th June 2010, 23rd September 2010, 18th March 2011 and 16th August 2011, to constitute Media Certification and Monitoring Committee (MCMC) in **each district during election period** to take up the additional task of keeping a check on the cases of Paid News.

In modification of orders on 'Paid News' dated 8th June 2010 and thereafter, I am directed to state the following:

1. District Level Media certification and Monitoring Committee (MCMC)

1.1 The District level MCMC shall be formed in each district with the following members:

(a) DEO/RO (of Parliamentary Constituency)
(b) ARO(not below SDM)
(c) Central Govt. I & B Ministry official (if any in the district)
(d) Independent Citizen/Journalist as may be recommended by PCI
(e) DPRO/District Information Officer/equivalent – Member Secretary

1.1.1 For the purpose of the certification of advertisements as per aforesaid Supreme Court order, Returning Officer of the parliamentary constituency/District Election Officer and an ARO (not below SDM) shall be the members of the MCMC. However, for the scrutiny of the cases of 'Paid News' etc, District MCMC shall have three additional members as given at 'c', 'd' and 'e'.

1.1.2 If Central govt. I &B Ministry Official is not posted in the district, District Election Officer can appoint preferably a Central Govt. Officer or a senior State Govt. Officer posted in the district.

1.1.2 If PCI is not providing names to be included in the MCMC, DEO may himself appoint either an independent senior citizen or journalist, who is willing and as who, in the opinion of the DEO, is eligible in terms of background and record of neutrality.

1.1.3 The Member Secretary (DPRO/DIO or equivalent) should be from the Provincial State Civil Services.

1.2 The committee shall have two distinct sets of functions:

(i) **Certification of Advertisements** for which two specific members of MCMC i.e. RO & ARO shall have to consider and decide on such advertisements for certification.

(ii) **Examining complaints/issues of Paid News** etc by all members through a monitoring arrangement.

1.3 The MCMC shall, besides discharging the functions of Certification of Advertisement and checking of Paid News, would also assist in enforcement of media related regulations under the RP Act. Hence the Committee's functions shall include:

1.3.1 MCMC shall scan all media (e.g. newspapers, print media, electronic media, cable network, internet, mobile network etc) for :

a. suspected cases of paid news (it shall also actively consider paid news cases referred to it by the Expenditure Observers. It shall intimate the Returning Officer for issue of notices to candidates for inclusion of actual expenditure on the published matter or **notional expenditure** based on DIPR rates in their election expenses account (in absence of DIPR rates, DAVP rates may be used), either based on or irrespective of whether the candidate actually has paid or not paid any amount to the channel/newspaper. A copy of the notice shall also be marked to Expenditure Observer)

b. monitoring of political advertisements in electronic media (for checking if the telecast/broadcast has been done only after certification by the Committee)

c. monitoring political advertisements in other media, in relation to candidates, either overt or covert, from Expenditure monitoring angle (this will also include publicity or advertisement or appeal by, or on behalf of candidate, or by Star Campaigner(s) or others, to impact candidate's electoral prospects)

d. advertisements in print media (MCMC shall check if the advertisement is with the consent or knowledge of candidate: in which case it will be accounted for in the election expenses of the candidate(s); however, if the advertisement is not with the authority from the candidate, then action may be taken for prosecution of the publisher for violation of Section 171H of IPC)

e. checking if the name and address of the publisher and the printer is carried on any election pamphlet, poster, hand bill and other document as required under Section 127A of R.P.A 1951 (If any printed material does not bear on its face the names and addresses of the printer or the publisher, MCMC shall bring it to the notice of the RO for further necessary action; For the purpose of section 127 of RPA 1951, **'Paid News' would also fall in the category of 'other document')**

1.3.2 It shall submit a daily report to Accounting team with copy to RO and Expenditure Observer in respect of each candidate in the prescribed format (as per annexure 12 of the prescribed Expenditure Guidelines) w.r.t. expenditure incurred by the candidate on election advertising or actual expenditure incurred for publishing the 'News' that is substantiated by necessary documents furnished by the candidate or notional expenditure as computed by the Committee in the assessed cases of Paid News.

1.3.3 The MCMC shall create a suitable mechanism for monitoring media and shall be equipped with adequate manpower and infrastructure for the same.

2. **State level MCMC**

2.1 The State level MCMC shall comprise of the following officers:

(a) The Chief Electoral Officer, Chairman
(b) Any Observer appointed by the Election Commission of India
(c) One expert to be co-opted by the Committee.
(d) Officer of Indian Information Service (IIS), (at the level of US/DS) posted in the State/UT, representing a media Department of Government of India as separate from the expert at (c) above.
(e) Independent citizen or journalist as nominated by PCI (if any)
(f) Addl/Jt CEO in charge of Media (Member Secretary)

2.1.1 If PCI is not providing names to be included in the Committee, CEO may himself appoint either an independent senior citizen or journalist, who is willing and who, in the opinion of the CEO, is eligible in terms of background and record of neutrality.

2.2 The State level MCMC shall perform two sets of functions:

(i) Deciding appeal from both District and Addl/Jt CEO Committees on **Certification of advertisement** as per the aforesaid Commission order dated 15th April 2004.
(ii) **Examining all cases of Paid News** on appeal against the decision of District MCMC or cases that they may take up suo motu, in which case it shall direct the concerned ROs to issue notices to the candidates.

2.2.1 The **appeal on certification** of advertisements need to be handled by members at (a), (b) and (c) in the manner specified in the aforesaid order dated 15th April 2004, while the members at (d), (e) & (f) are added to deal with Paid News cases.

2.2.2 It is clarified that as **regards the certification**, the appeal from both District and Addl/Jt CEO Committee will lie only with and will be disposed of by the State Level MCMC headed by CEO as per Commission's order dated 15th April, 2004 and no reference in this regard needs to be made to the Commission.

3. Addl/Joint CEO's Committee on Certification : The Committee chaired by Addl/Jt CEO for **Certification of advertisement,** constituted as per the Commission's 15th April 2004 order shall continue to function as stated in the aforesaid order and shall have no jurisdiction over cases of 'Paid News'.

4 Appeal against decision of State level MCMC on Paid News

4.1 Any appeal against the decision of the State level MCMC in matter of Paid News will be made to the Election Commission of India. The State level MCMC can also make a reference to the Commission for advice, if it deems it necessary. Wherever complaints on Paid News cases are made to the Commission directly, the Commission shall forward cases to the State level MCMC for initial consideration.

5. **Paid News Guidelines :** With regard to Paid News, following guidelines may be followed:

5.1 Six months before the due date of normal expiry of Lok Sabha or the State/UT Legislative Assembly, as the case may be, a list of television channels/radio channels/newspapers, broadcast/ circulated in the State/UT and their standard rate cards shall be obtained by the CEOs and provided to all District level MCMCs for fixing the rates of advertisements.

5.2 In case of bye-election to Parliamentary or Assembly constituency, the standard rate card shall be obtained by the District Election Officer concerned immediately on announcement of the bye-election.

5.3 In case of any doubt relating to the application of the standard rate card arising, the matter shall be referred to the DIPR or DAVP, Ministry of I&B, Gov. of India for advice.

5.4 The CEO and DEOs will brief Political Parties and Media Houses about the above guidelines before the commencement of the election campaign. Media shall be asked to exercise self-regulation in this regard. Wide publicity may be given to this order to make the general public also aware about these guidelines. The thrust of the briefing will be on the need for self-regulation.

5.5 The cases of suspected Paid News or advertisement or appeal shall have to be considered within strict timelines as follows:

5.5.1 On reference from District MCMC, RO shall give notice to the candidates within 96 hrs of publication/broadcast/telecast/receipt of complaint to explain/disclose the

expenditure incurred for publishing the 'news' or similar matter, or state why expenditure should not be computed as per standard rate and added to the candidate's expenditure. The same timeline will apply when State level MCMC takes up cases suo motu or on the basis of complaints.

5.5.2 District /State level MCMC shall decide on the reply expeditiously and convey to the Candidate/Party its final decision. In case no reply is received by District MCMC from the candidate within 48 hrs of serving of notice, the decision of MCMC will be final.

5.5.3 If decision of District level MCMC is not acceptable to the candidate, he/she may appeal to State level MCMC within 48 hrs of receipt of decision, with information to the District MCMC.

5.5.4 The State level MCMC shall dispose of the case within 96 hrs of receipt of appeal and convey the decision to the Candidate with a copy to District level MCMC.

5.5.5 The Candidate may appeal against the decision of State level MCMC to ECI within 48 hrs of receiving of order from this Committee. The decision of ECI shall be final.

5.6 The entire process shall ordinarily be completed within Election period.

6. It has been observed that in certain cases, notices on paid news has been issued in large numbers while further action on the same remain pending. MCMCs may ensure that due deliberation takes place on each case and only cases that appear to be suspected cases of 'Paid News' are referred to the RO for issue of notice to the candidate. While seeing that frivolous cases are not taken up, MCMC should ensure that there is no laxity on checking actual 'Paid News'.

7. Where the suspected cases of Paid News are decided as a "Paid News" either at District level/CEO level/Commission level, as the case may be, the actual/notional expenditure shall be treated as part of election expenses of the Candidate concerned, with due intimation to him/her or his/her agent.

7. Where the District/State level Committee or ECI decides that it is a Paid News case, such cases shall be conveyed to Press Council of India for further action in relation to the media concerned.

Yours faithfully,

(Rahul Sharma)
Under Secretary

Copy to: Expenditure Division, Legal Division, ECI